

**THE HONOURABLE SRI JUSTICE
V.ESWARAIAH**

W.P. No. 21078 of 2007

Date:22-10-2007

Between:

Hari Kishan and two others

...Petitioners

AND

The District Collector, Khammam and another

Respondents

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ORDER:

The petitioners seek a writ of mandamus to declare the action of the second respondent and his subordinate staff in taking steps to dispossess them from the land admeasuring Ac.4.50 guntas in Sy.No.609 at Yellandu village and mandal of Khammam District, as illegal and arbitrary and consequently to direct the respondents not to dispossess the petitioners from the said land.

It is the case of the petitioners that they are the absolute owners and possessors of an extent of land admeasuring Ac.4.50 gutnas in Sy.No.609 at Yellandu village and mandal of Khammam District and that the pattadar pass books and title deeds were also issued in their favour by the Tahsildar, Yellandu. It is stated that as per the records, the petitioners have got title only to an extent of Ac.3.00 guntas, but they are in possession of Ac.4.50 guntas.

I am not inclined to express any opinion with regard to the right, title and possession over the land in an extent of Ac.3.00 guntas. But, even assuming that the petitioners are encroachers of Ac.1.50 guntas, the respondents cannot dispossess them without following due process of law. It is the case of the petitioners that the second respondent came to the spot on 21.09.2007 and tried to take possession by disturbing the standing crop with a view to acquire the same for the purpose of constructing the houses under Indiramma Scheme. If the said land is required, it is always open for the respondents to acquire the same by initiating land acquisition proceedings. If the petitioners occupy any portion of the

land illegally, it is open for the respondents to take appropriate steps under the A.P. Land Encroachment Act. But, without following due process of law, no part of the land of the petitioners can be acquired for the purpose of house sites.

Having regard to the facts of the case, the writ petition is disposed of directing the respondents not to dispossess the petitioners from their land without following due process of law. There shall be no order as to costs.

Date:22.10.2007
ccm

V.ESWARAIAH, J.